

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Christopher Brett Ward  
Serial Number : 10/501,277  
Filing Date : September 3, 2004  
Title : HYDROMETALLURGICAL  
PROCESSING OF MANGANESE  
CONTAINING MATERIALS  
Examiner : Arun S. Phasge  
Group Art Unit : 1795

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

This paper is submitted in response to the paper entitled "Notice of Non-Compliant Amendment (37 CFR 1.121)" (hereinafter the "Notice"), mailed on July 1, 2009 in the above-identified patent application.

On June 29, 2009, applicant's undersigned counsel filed a paper entitled

“Amendment and Response to Office Action” which was signed by applicant’s undersigned counsel on June 23, 2009 (the “Amendment”). The Amendment was a response to a final Office Action, and was accompanied by an appropriate Request for Continued Examination.

According to the Notice, the Amendment was non-compliant in that, in the section devoted to amendments to the claims, a complete listing of the all of the claims was not provided. A review of the Amendment reveals that claims 1-28, which had previously been cancelled, were inadvertently not listed. In response, applicant has made the necessary corrections, and inasmuch as the non-compliant amendment was an after-final amendment, the entire Amendment (with the necessary corrections) is being resubmitted herewith.

According to the Notice, the time for response continues to run from the date of the final Office Action, which in this case was April 14, 2009. Accordingly, the Commissioner is hereby requested to construe this paper and the accompanying corrected Amendment as including a retroactive petition for a two-month extension of time in which to file a response to the outstanding final Office Action, and accordingly, the official fee of \$245.00, as prescribed therefor by 37 C.F.R. §1.17(a)(2), as amended, in the case of a small entity, is submitted herewith. The Commissioner is authorized to charge any additional extension fees which may be required, or to credit any

overpayment, to Deposit Account No. 07-1730.

Applicant has now remedied the shortcomings in the Amendment that were itemized in the Notice. Accordingly, further favorable action in connection with this patent application is earnestly solicited. The Office is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this case.

Respectfully submitted,

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September 14, 2009